

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JESSICA R. PYNE

vs.

STARBUCKS CORPORATION d/b/a
STARBUCKS COFFEE COMPANY

§
§
§
§
§
§

Civil Action No. 4:16-cv-3370

NOTICE OF REMOVAL

COMES NOW, Starbucks Corporation d/b/a Starbucks Coffee Company ("Starbucks"), the improperly named Defendant herein, and files its Notice of Removal pursuant to 28 U.S.C. §1441(a) and (b).

I.

INTRODUCTION AND FACTUAL BACKGROUND

1. This is a personal injury action brought by Jessica R. Pyne. On October 13, 2014, Ms. Pyne was traveling through Houston Intercontinental Airport. After exiting the aircraft, Ms. Pyne went to the Starbucks location at the Houston Intercontinental Airport to purchase a cup of coffee. While standing in line to place her coffee order, the customer in the line in front of Ms. Pyne spilled his cup of hot coffee on Ms. Pyne. As a result of the coffee spill, Ms. Pyne sustained burns on her left foot.
2. Plaintiff filed her Original Petition on October 12, 2016 in the 215th Judicial District Court of Harris County, Texas ("State Court Action").

3. On October 17, 2016, Starbucks was served with the citation and Original Petition. Starbucks filed its Verified Original Answer in the State Court Action on November 1, 2017.
4. On November 15, 2016, Starbucks filed its original Notice of Removal to the Southern District of Texas, Houston Division within the 30-day time period required by 28 U.S.C. §1446(b).

II.

BASIS FOR REMOVAL -- DIVERSITY JURISDICTION

5. Plaintiff Jessica Pyne is an individual citizen of the State of New York.
6. Starbucks Corporation is a Washington corporation that maintains its principal place of business in Seattle, Washington.
7. Pursuant to 28 U.S.C. §1441(b), removal of this case is proper because there is complete diversity between the parties, as Plaintiff and Defendant are citizens of different states.
8. Plaintiff seeks to recover monetary relief in an amount over \$100,000 but less than \$200,000. Thus, the amount in controversy clearly exceeds the sum of \$75,000.00, exclusive of interest and costs, and the jurisdictional threshold under 28 U.S.C. §1332(a) is satisfied.
9. Pursuant to 28 U.S.C. §1441(a), for purposes of removal, venue is proper to this district and in this division because it embraces the place where the removed action has been pending.

10. Pursuant to 28 U.S.C. §1446(a) and Local Rule 81, all process, pleadings and orders served upon Defendant in the State Court Action are filed with this Notice of Removal.

III.

NOTICE TO STATE COURT

11. Promptly after the filing of this Notice of Removal, Starbucks will provide notice of the removal to Plaintiff through her attorney of record in the State Court Action and to the Clerk of the Court in the State Court Action, as required by 28 U.S.C. §1446(d).

IV.

JURY DEMANDED

12. Plaintiff demanded a jury in the State Court Action.

V.

LOCAL RULES

13. This Notice of Removal is filed in accordance with Local Rule 81 of the Local Rules for the Southern District of Texas.

VI.

CONCLUSION

14. By this Notice of Removal, Starbucks Corporation d/b/a Starbucks Coffee Company does not waive any defenses or objections it may have to this action. Defendant intends no admission of fact, law or liability by this Notice, and expressly reserve all defenses, motions and/or pleas.

Respectfully Submitted,

/s/ Timothy U. Stanford

Timothy U. Stanford (Attorney in Charge)
Texas State Bar No. 19041030
Southern District of Texas ID No. 14285
tstanford@downsstanford.com

DOWNS STANFORD, P.C.
2001 Bryan Street, Suite 4000
Dallas, Texas 75201
(214) 748-7900 – Telephone
(214) 748-4530 – Facsimile

ATTORNEYS FOR DEFENDANT
STARBUCKS CORPORATION d/b/a
STARBUCKS COFFEE COMPANY
(improperly named Defendant)

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2016, the foregoing document was sent to the Clerk of the Court via the Southern District of Texas CM/ECF System, which will transmit a Notice of Electronic Filing to all attorneys of record.

/s/ Timothy U. Stanford

Timothy U. Stanford